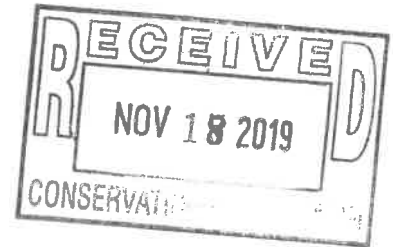




WALL STREET DEVELOPMENT CORP.  
REAL ESTATE DEVELOPERS

November 15, 2019



Commonwealth of Massachusetts  
Department of Environmental Protection  
Southeast Regional Office  
20 Riverside Drive  
Lakeville, MA 02347

**CERTIFIED MAIL RETURN RECEIPT  
REQUESTED**

RE: DEP File No. 315-1200  
3.2 +/- Acres Burns Avenue (a/k/a 48 Burns Avenue) – Walpole, MA  
Request for Superseding Order

Dear Ladies and Gentlemen:

Please be advised, on behalf of Wall Street development Corp., P.O. Box 272 in Westwood, MA and Burns Avenue Development LLC, Two Warthin Circle in Norwood, MA 02062 (the "Applicants") as applicants and owners, under a certain Notice of Intent dated filed March 19, 2019 (the "NOI") for the above referenced property, I do hereby appeal the Order of Conditions (the "Order") issued by the Town of Walpole Conservation Commission (the "Commission"), issued November 4, 2019, and request the Department of Environmental Protection (the "DEP") to act by issuing a Superseding Order. A copy of the Order is enclosed.

**PROJECT OVERVIEW**

The Applicants submitted an NOI to the Commission seeking an Order of Conditions to develop a new 32-unit, residential townhouse community planned for 3.22 acres of land off Burns Avenue in Walpole, MA (the "Development"). The Development is being proposed in accordance with M.G.L 40B under a Comprehensive Permit and will consist of Thirty-two (32) townhouse condominiums in Six (6) buildings set on 3.22 acres, with four (4) to six (6) townhomes per building. The Development will be serviced by municipal water and sewer service, along with natural gas, cable and electricity, with all utilities servicing the development installed underground.

P.O. BOX 272, WESTWOOD, MA 02090  
TEL. 781 440 0306 FAX 781 440 0309  
EMAIL [wallstreetdc@gmail.com](mailto:wallstreetdc@gmail.com)  
[www.wallstreetdevelopment.com](http://www.wallstreetdevelopment.com)



WALL STREET DEVELOPMENT CORP.  
REAL ESTATE DEVELOPERS

Commonwealth of Massachusetts  
DEP – Southeast Region  
November 15, 2019  
Page 2

RE: Request for Superseding Order  
DEP File No. 315-1200

The Development site is located on the southeasterly side of Burns Avenue at the end of Burns Avenue in the town of Walpole. Burns Avenue is a dead-end street of approximately 650 l.f. The site consists of three (3) parcels of land shown on Walpole Assessors Map 20 - Parcels 119, 136 and 137. Parcel 119 is a vacant parcel of land containing approximately 53,143 sq. ft., more or less, with an access frontage from Union Street. Parcel 137 is a vacant parcel of land containing approximately 54,679 sq. ft., more or less, with access from Burns Avenue. Parcel 136 is a parcel of land containing approximately 34,402 sq. ft., more or less, with a single-family home presently constructed and known and numbered as 48 Burns Avenue. The total land area contained in the development site is 3.22 +/- acres. The site is relatively flat site, varying from elevation 116 to elevation 112 with relatively minor variations in contours.

The site is not located within any mapped environmentally sensitive areas. There are no DEP-mapped outstanding resource waters, public wells or public water supplies or any state-designated Areas of Critical Concerns on site. In addition, there are no vernal pools or priority habitat of endangered or rare species as mapped by the MA Division of Fisheries and Wildlife. There is a small area, approximately 1,200 s.f., of bordering vegetated wetland on the property and a portion of the property is situated within 100' of the bordering vegetated wetlands. Lastly, a small portion of the site is located within a Riverfront Area that was found to be degraded by the Commission under a previous Order issued under DEP File No. 315-1120.

The Commission issued an Order approving the Development of November 4, 2019. Such Order, however, includes certain conditions that are in excess of the Commission's jurisdiction.

NOW THEREFORE, the Department is requested to act for the following reasons:

1. Condition No. 24 and Condition No. 28 - Require restoration of a buffer area that specify use of soil replacement and top soil containing at least 30% clean organic material. Good topsoil contains at most 5% organic material and 30% content is not feasible;

P.O. BOX 272, WESTWOOD, MA 02090  
TEL. 781 440 0306 FAX: 781 440 0309  
EMAIL: wallstreetdc@gmail.com  
www.wallstreetdevelopment.com



WALL STREET DEVELOPMENT CORP.  
REAL ESTATE DEVELOPERS

Commonwealth of Massachusetts  
DEP – Southeast Region  
November 15, 2019  
Page 3

RE: Request for Superseding Order  
DEP File No. 315-1200

2. Condition No. 28 – The Commission has established its own definition of “Waste Material”. This definition is in excess of the Commission’s jurisdiction and conflicts with the definition of “Solid “Waste” as provided in DEP Regulations at 310 CMR 16.00;
3. Condition No. 46 – The Commission requires that “All waste materials, as defined in Condition No. 28, be removed from the entire site...” This condition exceeds the Commission’s jurisdiction;
4. Condition No. 50 – The Commission requires “All waste materials (defined in Condition No. 28) on the entire site ..... shall be removed from the site...” This condition exceeds the Commission’s jurisdiction; and
5. Condition No. 52 – The Commission requires “Only clean fill shall be used on the site, i.e. clean topsoil free from invasive species, free of masonry, stumps, asphalt, coal ash or waste material other than that which is below paved surfaces.” This condition exceeds the Commission’s jurisdiction.

It is the Applicants position the conditions in question, outlined above, are in excess of the Commission’s jurisdiction and are based on arbitrary and personal judgements. Moreover, the conditions are in conflict with the provisions of MA DEP Regulations at 310 CMR 16.03(2)(b) 5. regarding the handling and recycling of asphalt, brick and concrete rubble.

It is requested the Department issue a Superseding Order declaring the conditions outlined herein are invalid. Enclosed please find a copy of our check in the amount of Two Hundred Forty-five Dollars (\$245.00) as payment of the fee for this request, together with a copy of the transmittal form which has also been sent to the Department’s lock box. A copy of this Request for Superseding Order has been certified mailed to the Walpole Conservation Commission.

P.O BOX 272, WESTWOOD, MA 02090  
TEL. 781 440 0306 FAX 781 440 0309  
EMAIL [wallstreetdc@gmail.com](mailto:wallstreetdc@gmail.com)  
[www.wallstreetdevelopment.com](http://www.wallstreetdevelopment.com)



WALL STREET DEVELOPMENT CORP.  
REAL ESTATE DEVELOPERS

Commonwealth of Massachusetts  
DEP – Southeast Region  
November 15, 2019  
Page 4

RE: Request for Superseding Order  
DEP File No. 315-1200

Thank you for your attention in this matter. Should you have any questions or need additional information or wish to conduct a site visit, Please do not hesitate to contact me at 617-922-8700.

Respectfully submitted,

WALL STREET DEVELOPMENT CORP.

  
By: Louis Petrozza, President

Wall Street Development Corp.  
P.O. Box 272  
Westwood, MA 02090  
(617) 922-8700 – Tel.  
(781) 440-0309 – Fax.  
Email: [lou@wallstreetdevelopment.com](mailto:lou@wallstreetdevelopment.com)

cc. Walpole Conservation Commission, 135 School Street, Walpole, MA 02081  
GLM Engineering Consultants, Inc., 19 Exchange Street, Holliston, MA 01746  
Paul McManus, EcoTec, Inc., 102 Grove Street, Worcester, MA 01605

P.O. BOX 272, WESTWOOD, MA 02090  
TEL. 781.440.0306 FAX. 781.440.0309  
~~EMAIL: wallstreetdc@gmail.com~~  
[www.wallstreetdevelopment.com](http://www.wallstreetdevelopment.com)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee**

**Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

315-1200

Provided by DEP

**A. Request Information**

1. Location of Project

BURNS AVENUE

a. Street Address

13145

Walpole, 02760

b. City/Town, Zip

#245.00

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Louis Petrozzi, Pres. Wall Street Development Corp.

Name

P.O. Box 272

Mailing Address

Westwood, MA

City/Town

MA

State

02090

Zip Code

617-922-8700

Phone Number

781-440-0309

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Wall Street Development Corp.

Name

P.O. Box 272

Mailing Address

Westwood

City/Town

MA

State

02090

Zip Code

617-922-8700

Phone Number

781-440-0309

Fax Number (if applicable)

4. DEP File Number:

315-1200

**B. Instructions**

1. When the Departmental action request is for (check one):

☒ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)

☐ Superseding Determination of Applicability – Fee: \$120

☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee  
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

315-1200

Provided by DEP

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a copy of this form and a copy of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

WALL STREET DEVELOPMENT CORP.

P.O. BOX 272  
WESTWOOD, MA 02090-0272  
TEL: (781) 440-0306

Needham Bank

53-7353/2113

13145

PAY TO THE  
ORDER OF

Commonwealth of Massachusetts

Two Hundred Forty-Five and 00/100 \*\*\*\*\*

Commonwealth of Massachusetts

\$ \*\*245.00

DOLLARS

MEMO

Burns Ave - DEP 315-1200/Appeal



*Burns*  
AUTHORIZED SIGNATURE

⑈013145⑈ ⑈211373539⑈

590259711⑈



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200

MassDEP File #

eDEP Transaction #

Walpole

City/Town

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

1. From: Town of Walpole  
Conservation Commission
2. This issuance is for  
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Louis

a. First Name

Petrozzi

b. Last Name

Wall Street Development Corp.

c. Organization

PO BOX 272

d. Mailing Address

Westwood

e. City/Town

MA

f. State

02090

g. Zip Code

4. Property Owner (if different from applicant):

see attached for owner information

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

Burns Avenue

a. Street Address

Walpole

b. City/Town

MAP 20

c. Assessors Map/Plat Number

119, 136 & 137

d. Parcel/Lot Number

Latitude and Longitude, if known:

42d09m34s

d. Latitude

71d12m28s

e. Longitude

Important:  
When filling  
out forms on  
the  
computer,  
use only the  
tab key to  
move your  
cursor - do  
not use the  
return key.







Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200

MassDEP File #

eDEP Transaction #

Walpole

City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
See attached for recording info

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: 3/19/2019

10/9/2019

11/4/2019

a. Date Notice of Intent Filed

b. Date Public Hearing Closed

c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Development Plan A Comprehensive Permit M.G.L. c.40B "The Residences at Burns Avenue" Walpole, MA, Date 2/7/19, final revisions 9/25/19, Sheets 1-12, SUP- A,B,C  
GLM Engineering Consultants

b. Prepared By

Paul E. Truax P.E.

9/25/2019

c. Signed and Stamped by

d. Final Revision Date

1" = 30'

e. Scale

GLM Stormwater Management Report and plans dated 2/7/19

final: 7/11/19

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☒ Public Water Supply      b. ☐ Land Containing Shellfish      c. ☒ Prevention of Pollution  
d. ☒ Private Water Supply      e. ☒ Fisheries      f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply      h. ☒ Storm Damage Prevention      i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200

MassDEP File #

eDEP Transaction #

Walpole

City/Town

**B. Findings (cont.)**

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).
3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0  
a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
7. <input type="checkbox"/> Bordering Land Subject to Flooding	e. c/y dredged 1,510 a. square feet	f. c/y dredged 0 b. square feet	1,510 c. square feet	1,500 d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	20,362 a. total sq. feet 4340 c. square feet	13,140 b. total sq. feet 0 d. square feet	4340 e. square feet 2,882 i. square feet	4340 f. square feet 2,882 j. square feet
Sq ft within 100 ft				
Sq ft between 100-200 ft	16,022 g. square feet	13,140 h. square feet		



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200  
MassDEP File #

eDEP Transaction #  
Walpole  
City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. cu yd c. nourishment	d. cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. cu yd c. nourishment	d. cu yd d. nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
	a. c/y dredged	b. c/y dredged		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200  
MassDEP File #

eDEP Transaction #  
Walpole  
City/Town

**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200

MassDEP File #

eDEP Transaction #

Walpole

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  
"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number 315-1200 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200

MassDEP File #

eDEP Transaction #

Walpole

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☒ is subject to the Massachusetts Stormwater Standards
  - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200  
MassDEP File #

eDEP Transaction #  
Walpole  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
  - i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
  - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200  
MassDEP File #

eDEP Transaction #  
Walpole  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

g) The responsible party shall:

1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):  
**see attached**

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200

MassDEP File # \_\_\_\_\_

eDEP Transaction # \_\_\_\_\_

Walpole

City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☐ Yes ☒ No
2. The Conservation Commission hereby finds (check one that applies):

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_

2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw \_\_\_\_\_

2. Citation \_\_\_\_\_

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

---

---

---

---



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200  
MassDEP File #

eDEP Transaction #  
Walpole  
City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Town of Walpole

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Town of Walpole

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

BURNS AVENUE

Project Location

315-1200

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee  
Transmittal Form**

DEP File Number:

315-1200

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Request Information**

1. Location of Project

BURNS AVENUE

a. Street Address

Walpole, 02760

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

315-1200

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**B. Instructions**

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**Request for Departmental Action Fee  
Transmittal Form**

DEP File Number:

315-1200

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.


**NOTICE OF INTENT  
THE RESIDENCES AT BURNS AVENUE  
WALPOLE, MA  
MARCH 19, 2019**

There are three parcels involved with the development site:

Assessor's Map 20/Parcel 119 - 53,500 Sq. Ft.  
Owner: Wall Street Development Corp.  
Book 34158, Page 536

Assessor's Map 20/Parcel 137 - 52,933 Sq. Ft.  
Owner: Burns Avenue Development, LLC  
Book 35653, Page 276

Assessor's Map 20/Parcel 136 - 34,403 Sq. Ft.  
Owner: William and Susan Felton  
Under Agreement  
Book 9078, Page 669



Bk 36797 Ps372 #36705  
05-15-2019 @ 10:56a

## QUITCLAIM DEED

We, **WILLIAM J. FELTON and SUSAN M. FELTON**, being married to each other, of East Walpole, Norfolk County, Massachusetts,

MASSACHUSETTS STATE EXCISE TAX  
Norfolk Registry of Deeds  
Date: 05-15-2019 @ 10:56am  
Ct#: 430 Doc#: 36705  
Fee: \$2,280.00 Cost: \$500,000.00

for consideration paid and in full consideration of: Five Hundred Thousand and 00/100 Dollars (\$500,000.00),

grant to: **WALL STREET DEVELOPMENT CORP.**, a Massachusetts corporation with a place of business at 2 Warthin Circle, Norwood, MA 02062,  
with **QUITCLAIM COVEANTS**,

Two parcels of land in East Walpole, Norfolk County, Massachusetts, being shown on a plan of land entitled, "Subdivision Plan of Land, Walpole, Mass.," dated October 20, 1980, drawn by Sharon Survey Service, recorded with the Norfolk County Registry of Deeds as Plan No. 959 of 1980 in Book 5808, Page 530, and described as follows:

### PARCEL ONE

The land with the buildings thereon, being shown as Lot A on said plan, containing, according to said plan, 28,312 square feet of land and bounded and described as follows:

SOUTHWESTERLY

by Burns Avenue, one hundred (100) feet;

NORTHWESTERLY

by Lot 2 on said plan, two hundred eighty (280) feet;

NORTHEASTERLY

by land of Walter P. & Charles P. LaCivita, by two lines measuring ninety-six and 40/100 (96.40) feet and two and 81/100 (2.81) feet, respectively; and

SOUTHEASTERLY

by Lot B on said plan, two hundred ninety and 78/100 (290.78) feet.

Parcel One is also situated on Gay Ave. as shown on a Plan of Land entitled "Plan of Land in Walpole, Mass.," dated March 20, 1953 and recorded in the Registry on April 2, 1953 as Plan No. 400 of 1953 in Book 3159, Page 139. Burns Avenue was formerly known as Jennings Avenue according to said Plan. Included in this conveyance are all of Grantors' rights in Gay Avenue.

**PROPERTY ADDRESS: 48 BURNS AVENUE, EAST WALPOLE, MA 02032**

RECEIVED AND RECORDED  
NORFOLK COUNTY  
REGISTRY OF DEEDS  
DORHAM, MA

CERTIFY

*William P. O'Donnell*  
WILLIAM P. O'DONNELL, REGISTER

DEP # 315-1200  
Location: Burns Ave. and Union Street  
Applicant: Wallstreet Development Corp.  
Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B  
GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.  
Plan Date: 02/07/2019, final revision 09/25/2019  
Issued: 11/4/2019

**Finding:** Issued under the Wetland Protection Act Only for a 32 unit 40B residential development. The wetland resource areas were approved under a previous Order of Conditions (DEP #315-1120).

The Conservation Commission looked at the 13,614 s.f. of riverfront area previously determined to be degraded under DEP 315-1120 when additional information was provided by the peer reviewer, BETA Consulting. BETA's report indicated that the site had characteristics of a non-degraded riverfront area as well as some degraded riverfront. It was clear that the site has pockets of waste material consistent of a historic dump site that meet the requirements of degraded river front and pockets of plant and animal life with top soil consistent with a healthy riverfront area, and then areas where the two are combined making it a difficult site.

The definition of the degraded river front area was discussed extensively during the public hearings. The discussion centered on how to create a healthier riverfront area and how the degraded portions of the riverfront area impacted the interests of the Act. The Commission's final decision to allow redevelopment of 10,730 s.f. of riverfront area was based on the applicant's removing the waste materials from the site and the Applicant's proposal to restore a portion of the riverfront area, to develop the least amount of riverfront area not degraded, to restore 25-feet of the 100-foot buffer zone adjacent to the BVW associated with the Traphole Brook and for the Applicant to submit a plan for invasive species removal in the riverfront area.

### **SPECIAL CONDITIONS**

1. The form provided at the end of this Order shall be completed and stamped at the appropriate Registry of Deeds, after the expiration of the 10-day appeal period and if no request for appeal has been filed with the Department of Environmental Protection. This form should be returned to the Commission prior to the commencement of work.
2. Any Order not recorded by the Applicant before work commences may be recorded by the Commission at the Applicant's expense.
3. Prior to any work commencing, a sign shall be displayed showing DEP File No. 315-1200, not placed on a living tree.
4. The term "Applicant" as used in this Order of Conditions shall refer to the owner, any successor in interest or successor in control of the property referenced in the Notice of Intent, supporting documents and this Order of Conditions. The Commission shall be notified in writing within 30 days of all transfers of title of any portion of property that take place prior to issuance of the Certificate of Compliance.

DEP # 315-1200  
Location: Burns Ave. and Union Street  
Applicant: Wallstreet Development Corp.  
Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B  
GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.  
Plan Date: 02/07/2019, final revision 09/25/2019  
Issued: 11/4/2019

5. The Conservation Commission designates the Conservation Agent with full powers to act on its behalf in administering and enforcing this Order.
6. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.
7. It is the responsibility of the Applicant, Owner, and/or successor(s) to ensure that all Conditions of this Order of Conditions are complied with. The project engineer and contractors are to be provided with a copy of this Order of Conditions and referenced documents before commencement of construction.
8. Seven (7) business days prior to the beginning of any work on the site associated with this Order of conditions, the Applicant shall set up a pre-construction meeting with the Conservation Agent and the general contractor. At this time the general contractor shall provide the Conservation Agent contact information and all the names, addresses and telephone numbers of the sub-contractors who will be doing the work on the site.
9. To assure an immediate response to the Commission/Agent, the Applicant shall provide the Walpole Conservation Commission/Agent with the name and a 24-hour phone number of the on-site construction supervisor who will be responsible to coordinate the construction and ensure compliance with this Order.
10. Any substantial changes made in the above-described plan(s), unless specified otherwise in this Order, which may or will alter an area subject to protection under the Wetlands Protection Act or any change(s) in activity subject to regulations under M.G.L. Chapter 131, section 40, shall require the Applicant to inquire from this Commission in writing, prior to their implementation in the field, whether the change(s) is significant enough to require the filing of a new Notice of Intent. Any errors in the plans or information submitted by the Applicant shall be considered changes and the above procedures shall be followed.
11. If unforeseen problems occur during construction which may affect the statutory interests of the Wetlands Protection Act, upon discovery by either the Conservation Commission, its Agent, or the Applicant, such problem shall require immediate notification to the Commission and an



**DEP # 315-1200**  
**Location: Burns Ave. and Union Street**  
**Applicant: Wallstreet Development Corp.**  
**Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B**  
**GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.**  
**Plan Date: 02/07/2019, final revision 09/25/2019**  
**Issued: 11/4/2019**

immediate meeting shall be held between the Commission or its Agent, the Applicant, and other concerned parties to determine the correct measures to be employed. The Applicant shall then act to correct the problems using the corrective measures agreed upon. Subsequent to resolution, the activity and resulting actions shall be documented in writing.

12. Upon completion of this project, the Applicant shall submit the following to the Conservation Commission to receive a Certificate of Compliance.
  - a. DEP Request for Certificate of Compliance form 8.
  - b. A written statement from a registered professional engineer of the Commonwealth certifying that the work has been conducted as shown on the plan(s) and documents referenced above, and as conditioned by this Order of Conditions.
  - c. A letter from Ecotec, or if not available an approved professional, certifying compliance with the Restoration and Planting Details (SUP-C) and any other Restoration and Planting conditions within this Order.
  - d. An "as-built" plan prepared and signed and stamped by a registered professional engineer or land surveyor of the Commonwealth, for the public record.
13. Perpetual Conditions shall extend beyond the Certificate of Compliance, in perpetuity, and shall be referred to in all future deeds to this property.
14. The Commission reserves the right to amend this Order of Conditions after a legally advertised public hearing if plans or circumstances are changed or if new conditions or information so warrant.
15. It is the responsibility of the Applicant to procure all other applicable federal, state and local permits and approvals associated with this project.
16. Should issuance of additional permits result in a change in the project, the provisions of Condition #10 applies, regarding the process for plan changes.
17. Any future work within wetland resource areas, or buffer zones will require that a new Notice of Intent or Request for Determination of Application be filed with the Commission.

**DEP # 315-1200**  
**Location: Burns Ave. and Union Street**  
**Applicant: Wallstreet Development Corp.**  
**Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B**  
**GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.**  
**Plan Date: 02/07/2019, final revision 09/25/2019**  
**Issued: 11/4/2019**

## **FLAGGING**

18. Prior to commencement of any work including clearing of vegetation, the approved wetland boundaries shown on the approved plan shall be clearly flagged with surveyor's tape in the field and shall remain in place during construction.
19. Prior to commencement of any work, including clearing of vegetation, the limit of work lines as approved on the final plans shall be clearly staked "limit of work", inspected and approved by the Conservation Agent and orange construction fence established along the boundary:
  - a. Boundary of the Riverfront area (not degraded) and not to be altered by permanent or temporary activity as shown on SUP-B;
  - b. Boundary of the BVW wetland flags A-1 through A-19 as shown on SUP -B
20. All flags used for the above purposes shall be of a color different from other flagging used on the site.

## **RESTORATION AND PLANTINGS**

21. **The Restoration and Planting Details Plan SUP D** revised date 9/25/2019, shall be amended to identify the area of invasive species management and a detailed species-specific invasive species control plan shall be provided for the initial vegetation removal and a long-term control plan, including methods used for control, frequency of inspection and treatments, and reporting to the Commission.
22. The Conservation Agent shall be **notified 72 hours** prior to excavating the area within 25-feet of wetland Flags A-1 through A-19.
23. It shall be the responsibility of the applicant to retain a Botanist, Biologist, Wetland Scientist or other individual with qualifications and a minimum of five years experience in similar wetland resource area restoration to oversee the implementation of the Restoration and Planting Details SUP-C Plan of the 2,882 s.f. of restored riverfront area, the approx. 9,000 s.f. of restored plantings adjacent to wetlands (Flags A-1 through A-19), restoration of floodplain adjacent to Pickerel Brook and the invasive species removal plan for the remaining riverfront area.

DEP # 315-1200  
Location: Burns Ave. and Union Street  
Applicant: Wallstreet Development Corp.  
Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B  
GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.  
Plan Date: 02/07/2019, final revision 09/25/2019  
Issued: 11/4/2019

24. The Applicant shall provide to the Conservation Commission prior to construction a detailed plan of the Buffer Restoration Area (shown on SUP-C) including proposed final grades to the wetlands line, specification of the soil replacement and topsoil of at least 30% clean organic material.
25. Trees shown on SUP-C planted for the Restoration Plantings shall be a minimum of 4'-6' (measured from the ground level up) in size.
26. Any plants re-moved, revised, or reduced in size from the planting schedule shown on SUP-C shall be submitted in writing for approval by the Conservation Commission including the statement on SUP-C "for species greater than 4-feet in height or spread, the total number can be reduced by 25%".
27. The plantings shall be performed between spring and fall or as recommended by the wetland Specialist.
28. The ash, metal, concrete and other non-natural debris from here on known as "waste materials" removed from the degraded riverfront area, buffer zone and the floodplain where restoration will occur shall be replaced with clean fill similar in nature to adjacent areas of clean fill and topped with at least 6-inches of topsoil with at least 30% clean organic material. This shall be verified by the Wetland Specialist.
29. Post-construction grades of the restored riverfront area and restored floodplain shall be restored to pre-construction grades.
30. All plantings shall be reviewed and a report provided by September 1 by the wetland specialist to the Conservation Commission after one year of planting and annually thereafter until Certificate of Compliance is issued.
31. The Report shall include: inventory of plants, health of plants, number of die-offs and species (if any) of die-offs with photos and recommended in-kind replacements of die-off stock.
32. Replacement stock shall be planted within one month of findings of the report.
33. The restoration plantings shall begin in the first spring or fall season at the commencement of the project. The intent of this condition is to begin the mitigation planting at the beginning of the project and not to wait until the end.

**DEP # 315-1200**  
**Location: Burns Ave. and Union Street**  
**Applicant: Wallstreet Development Corp.**  
**Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B**  
**GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.**  
**Plan Date: 02/07/2019, final revision 09/25/2019**  
**Issued: 11/4/2019**

34. Any variation to the planting plan shall be submitted for approval to the Conservation Commission.
35. The Town of Walpole Conservation Commission will be notified 72 hours in advance of the commencement of the restoration plantings.

### **EROSION CONTROL**

36. The location of the erosion controls shall be staked in the field according to the surveyed plan prior to installation.
37. Erosion controls shall be placed in a manner to avoid damage to the root system of vegetation located down grade from the limit of work.
38. Prior to the commencement of construction of the site, erosion and sedimentation control measures as shown on the plan shall be implemented and maintained in effect throughout the entire construction phase, and until the site has been stabilized. The erosion control specifications provided in the Notice of Intent and the erosion control provision in the Order will be the minimum standards for this project; additional measures may be required by the Commission.
39. All erosion control measures shall be maintained until the engineer and a member or Agent of the Conservation Commission agree that they are no longer needed, at which time they will be removed, using mutually satisfactory removal procedures.
40. Under no conditions shall operation of equipment, storage of materials, stockpiling of soil, or other site disturbance take place on the wetland side of the limit of work line.
41. All debris, fill and excavated material shall be stockpiled outside the 100-foot wetland buffer zone, and at a location to prevent sediment from entering the wetland resource area. Siltation controls shall be provided as necessary around the stockpiles.
42. A stockpile of erosion control materials approved by the Conservation Agent shall be on site at all times for emergency or routine replacement and may include materials required to repair or

DEP # 315-1200  
Location: Burns Ave. and Union Street  
Applicant: Wallstreet Development Corp.  
Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B  
GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.  
Plan Date: 02/07/2019, final revision 09/25/2019  
Issued: 11/4/2019

replace silt fences, and erosion control tubes, Siltsacks™, erosion control blankets, stone riprap, filter berms or any other devices planned for use during construction.

43. The areas of construction shall remain in a stable condition at the close of each construction day. Erosion controls should be inspected at this time, and repaired, reinforced or replaced as necessary.
44. If soils are to be disturbed for longer than two months, a temporary cover of rye or other grass should be established to prevent erosion and sedimentation. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by other appropriate erosion control measures, firmly anchored, to prevent soils from being washed by rain or flooding. If mulch is used it shall be clean and certified free of invasive species.
45. In proximity to resource areas, site grading and construction shall be scheduled during the dry season whenever possible, to avoid periods of high surface water. Once begun, grading and construction shall move uninterrupted to completion to avoid erosion and siltation into the wetland.
46. All waste materials, as defines in condition #28 shall be removed from the entire site and disposed of in a manner that complies with federal, state, and local laws and regulations.

## CONSTRUCTION MANAGEMENT

47. A copy of this Order of Conditions and the referenced plans shall be on the site upon commencement and during any site work for contractors to view and adhere to.
48. A draft SWPPP shall be submitted to the Conservation Commission for review and comment.
49. All equipment shall be operated, so as to limit alterations of wetlands and buffer zone to those areas clearly identified on the plans and demarcated in the field by the flagging. Construction equipment shall be parked overnight, maintained and fueled outside the wetland buffer zone. Any exceptions shall require approval by the Commission/Agent.

DEP # 315-1200  
Location: Burns Ave. and Union Street  
Applicant: Wallstreet Development Corp.  
Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B  
GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.  
Plan Date: 02/07/2019, final revision 09/25/2019  
Issued: 11/4/2019

50. All waste material (**defined in condition #28**) on the entire site and waste products produced during construction such as but not limited to: grubbed stumps, slash, construction materials, coal ash, metals etc. shall be removed from the site in accordance with all local, state and federal law and regulations.
51. All equipment washouts, i.e., cement trucks, plasters, masons, painters, without limitation shall be accomplished outside the buffer and riparian zone and properly disposed of off site. Disposal shall be done weekly or as needed.
52. Only clean fill shall be used on the site i.e., clean topsoil free of invasive species, free of masonry, stumps, asphalt, coal ash or waste material other than that which is below paved surfaces.
53. No oils, fuel, grease cartridges or other pollutants shall be stored in the buffer zone, unless as specified in this Order of Conditions. Containers from these materials shall be disposed of properly.
54. A fuel or hydraulic oil spill kit shall be maintained at all times on site, per Walpole Fire Department specifications. In the event of a spill, the Applicant shall take immediate measures to contain such spill and shall notify the Walpole Fire Department.
55. The street shall be maintained in a clean condition free from dirt and debris in order to keep siltation from entering the storm water system during construction.
56. Prior to the close of each work day the perimeter of the site shall be walked and inspected for loose construction debris. All debris shall be removed by the end of the day.

#### UTILITY WORK

57. The Conservation Agent shall be **notified at least 72 hours** prior to the work adjacent to Pickerel Brook.
58. During the utility construction in the area of Pickerel Brook a Register Professional Engineer ("engineer") and a wetland specialist shall be on site specifically to observe and direct construction in terms of maintaining the stability of the bank to Pickerel Brook.

DEP # 315-1200  
Location: Burns Ave. and Union Street  
Applicant: Wallstreet Development Corp.  
Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B  
GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.  
Plan Date: 02/07/2019, final revision 09/25/2019  
Issued: 11/4/2019

59. If the engineer or wetland specialist observes a threat to the stability of the bank, or any other area associated with the Pickerel Brook, then immediate action including stopping the activity shall occur to stop the observed threat.
60. The engineer shall notify the DPW, Conservation Agent and the Town Engineer immediately of the event and follow up the notification with a written description of the event and actions taken.

#### POST CONSTRUCTION

61. All construction debris shall be removed from the site and disposed of in accordance with all applicable laws and regulations.
62. The Order of Conditions shall be valid for three (3) years. Extensions may be requested in a yearly basis thereafter, and requested 30 days prior to expiration.

#### STORMWATER MANGEMENT SYSTEM

63. There shall be no increase in the post-development discharges from the storm drainage system or any other changes in post-development conditions that alter the post-development watershed as currently depicted in the Notice of Intent and approved by this Order of Conditions, unless specifically approved in writing by the Commission.
64. The stormwater management system shall be constructed as shown on the approved plans, final revision **signed and dated 09/25/2019**.
65. An **As-built plan** of the infiltration basin shall be provided to the Conservation Commission and reviewed by the Town Engineer no later than **30 days after completion of final grades**.
66. If corrections are to be made to the design of the infiltration basin they shall be made within three months after providing the As-built plan unless approved otherwise by the Conservation Commission.
67. The infiltration Basin shall not be used for construction period Stormwater management.

**DEP # 315-1200**  
**Location: Burns Ave. and Union Street**  
**Applicant: Wallstreet Development Corp.**  
**Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B**  
**GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.**  
**Plan Date: 02/07/2019, final revision 09/25/2019**  
**Issued: 11/4/2019**

68. The infiltration basin shall be ringed with erosion controls upon completion.
69. The planting bed and plantings along the buffer zone as shown on SUP-C shall be done during the first spring or fall planting in conjunction with the construction of the infiltration basin.
70. The infiltration basin bottom shall be cleaned of any silts, aerated, and a final inspection made prior to issuance of a Certificate of Compliance.
71. The infiltration units shall be inspected and cleaned prior to the issuance of a Certificate of Compliance. Documentation of cleaning shall be provided to the Conservation Commission.
72. All catch basins shall be cleaned prior to issuance of a Certificate of Compliance. Documentation of cleaning shall be provided to the Conservation Commission.
73. The Conservation Agent and the Town Engineer shall be notified 48 hours prior to the installation of the infiltration units.
74. The installation of the infiltration units shall comply with the Town Engineer's requirements and manufacturer's instructions for each unit specified.
75. A soil test shall be made at the location of the roof infiltration system and observed by the town engineer prior to installation. Any additional information shall be provided to the Conservation Commission.
76. Any variation in the specified unit model, size, or manufacture of the stormwater structures shall be provided to the Conservation Commission in writing for approval.
77. The Operation and Maintenance Plan shall be attached to the Order of Conditions and recorded at the Norfolk Registry of Deeds.

## **CONTINUED CONDITIONS**



**DEP # 315-1200**  
**Location: Burns Ave. and Union Street**  
**Applicant: Wallstreet Development Corp.**  
**Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B**  
**GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.**  
**Plan Date: 02/07/2019, final revision 09/25/2019**  
**Issued: 11/4/2019**

78. An Annual Stormwater Management Inspection Reports with a log of maintenance and cleanings shall be provided to the Conservation Commission every year no later than December 30. **\*\*\*Continued Condition**
79. The Stormwater Management Inspection report shall include the name and phone number of the party responsible for compliance with this Order of Conditions. **\*\*\*Continued Condition Report Required**
80. If the stormwater management system is not functioning as required under the DEP Stormwater Management Standards the Conservation Commission may take enforcement action to remedy the situation. **\*\*\*Continuing condition**
81. The maintenance of the stormwater management system and catch basins shall occur without further Commission approval. **\*\*\***
82. Use of fertilizers shall comply with 330 CMR 31.00 and revisions. **\*\*\*Continuing condition**
83. Irrigation system shall be water sense devises to prevent being used when raining.  
**\*\*\*Continued condition**
84. Catch basins shall be labeled "No waste, drains to waterway"**\*\*\*Continued condition**
85. No car washing and/or automotive maintenance shall be allowed on site. This information shall be posted somewhere on site for residents to see.**\*\*\* Continued condition**

DEP # 315-1200  
Location: Burns Ave. and Union Street  
Applicant: Wallstreet Development Corp.  
Plan: The Residences at Burns Avenue, Comprehensive Permit MGL 40B  
GLM Engineering Consultants, Inc, signed 10/28/2019 by Paul Truax, PE.  
Plan Date: 02/07/2019, final revision 09/25/2019  
Issued: 11/4/2019

86. To be signed by the contractor and subcontractor who will be one site that they have read and understand the above conditions:

I \_\_\_\_\_, representing \_\_\_\_\_

have read and will conform to these conditions.

\_\_\_\_\_  
Contractor's Signature

Address \_\_\_\_\_

Phone and email \_\_\_\_\_



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
315-1200  
MassDEP File #

eDEP Transaction #  
Walpole  
City/Town

**E. Signatures**

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy must be mailed, hand delivered or filed electronically at the same time with the appropriate MassDEP Regional Office.

Signatures:

*John V Wiley* John V Wiley  
*Albert E Goetz Jr* Albert E Goetz Jr  
*DD* *DD*

*Emilio D. V. Jr*  
*Roger Turner* Roger Turner  
*RD Burchley* RD Burchley

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.